



BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER
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Kevin K. Washburn, Assistant Secretary
Bureau of Indian Affairs
MS-4141-MIB
1849 C Street, N.W.
Washington, D.C. 20240

July 9, 2013

Dear Secretary Washburn:

The Madera County Board of Supervisors respectfully requests your assistance and intervention in resolving the internal dispute within the Picayune Rancheria of Chukchansi Indians concerning which tribal faction constitutes the true tribal government.

By way of background, the County of Madera is home to the Picayune Rancheria of Chukchansi Indians, a federally recognized tribe, who operates the Chukchansi Gold Resort and Casino in Eastern Madera County. The Tribe has had an ongoing dispute amongst its members over who constitutes the legitimate tribal government. There are three factions each of which claim to represent the Tribe: the Nancy Ayala faction, the Reggie Lewis faction, and the Morris Reid faction. All three assert that they alone represent the Chukchansi tribe. The Ayala and the Lewis factions have each employed private security companies that confront each other behind locked gates. The factions have also hired one or more law firms to represent them in their various disputes and set up competing tribal courts.. There is no consensus among the Tribe as to whom governs it and they show no signs of resolving their differences. The ongoing dispute over who represents the Tribe has interfered with the ability of the Chukchansi Economic Development Authority to make its bond payments. This in turn caused Wells Fargo bank to sue on behalf of the bondholders.

Despite their own inability to resolve the issue of governance, the each faction accuse each other of misconduct and each demands that the sheriff take various actions. These demands include executing a writ of execution on the casino property (a "till tap"). Another dispute seeks to put one group in possession of the tribal housing property. These are essentially Civil disputes all of which involve issues that are not within the sheriff's authority. The sheriff recognizes his duty to keep the peace, but this factional strife requires him to "recognize" one or another faction and to somehow sort out the validity of their respective claims. This is beyond his authority and expertise.

Article 1, Section 8 of the United States Constitution vests Congress, and by extension the Executive and Judicial branches of our government, with the authority to engage in relations with the tribes, thereby firmly placing tribes within the constitutional fabric of our nation. Further, the Federal Indian Trust responsibility is a legal obligation under which the United States "has charged itself with moral obligations of the highest responsibility and trust" toward Indian tribes (*Seminole Nation v. United States*, 1942). The Federal Indian trust responsibility is also a legally enforceable fiduciary obligation on the part of the United States to protect tribal treaty rights, lands, assets,

and resources, as well as a duty to carry out the mandates of federal law with respect to American Indians. In several cases involving the trust responsibility, the Supreme Court has used language suggesting that it entails legal duties, moral obligations, and the fulfillment of understandings and expectations that have arisen over the entire course of the relationship between the United States and the federally recognized tribes.

The sheriff and the County contend that if the Tribe is unwilling or unable to solve its own dispute, it is the responsibility of the federal government through the Bureau of Indian Affairs to intervene. We respectfully ask that you do so.

Sincerely,

A handwritten signature in black ink, appearing to read "Max Rodriguez", with a stylized flourish at the end.

Max Rodriguez, Chairman

cc: Honorable Senator Dianne Feinstein
Honorable Senator Barbara Boxer
Honorable Congressman Jim Costa
Sally Jewell, U.S. Department of Interior
Amy Dutschke, Regional Director, Pacific Region, Bureau of Indian Affairs
Eric H. Holder, Jr., U.S. Attorney General, Department of Justice
Tracy Toulou, Director, Office of Tribal Justice, Department of Justice
Jacob Applesmith, Senior Advisor to Governor Jerry Brown
Madera County Board of Supervisors
Sheriff John Anderson